

**Natural Resources Rules & Regulations  
for the Little Traverse Bay Bands of Odawa Indians' Reservation**

**PREAMBLE**

The Little Traverse Bay Bands of Odawa Indians adopt these Regulations as an exercise of their inherent sovereign right to regulate tribal members within the territory reserved by the Treaty of Washington of March 28, 1836 and confirmed by the Treaty of Detroit of July 31, 1855. These Regulations enable the tribe to regulate, preserve, and conserve the resources of its reservation, to promote public safety within the lands and waters reserved by that Treaty, and to govern the wise use of the resources of the reservation by tribal members, with the intent that such resources will continue to flourish within the reservation for the perpetual use and enjoyment of the members of the Tribe. These regulations apply on all lands and waters within the boundaries of our reservation.

**SECTION I.           DEFINITIONS**

- 1.01   *Amphibians and Reptiles*- Including but not limited to frogs, toads, salamanders, turtles, lizards and snakes.
- 1.02   *Baitfish* - Any legally taken and possessed fish (except sea lamprey, goldfish or any other exotic fish) used for catching other fish.
- 1.03   *Big game* - Whitetail deer, black bear, wild turkey, and elk.
- 1.04   *Bow* - A weapon constructed from wood, plastic, metal, or other material with a cord connecting the two ends when bent or strung, and by means of which an arrow is propelled when drawn and released by hand.
- 1.05   *Cased or encased* - Storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.

- 1.06 *Commercial Purposes* - The harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold but shall not include harvesting of a natural resource for personal use.
- 1.07 *Conservation regulations* - These regulations and any other LTBB regulations governing any aspect of hunting, trapping, fishing and gathering within the LTBB 1855 Reservation.
- 1.08 *Crossbow* - A device using a bow which, once drawn, is held solely by means other than the effort of the person firing it.
- 1.09 *Disabled Tribal Hunter* - A person who has been diagnosed by a certified Physician to be permanently physically disabled.
- 1.10 *Endangered Species* - Any species of wild animal or plant designated as threatened, rare or endangered by official action of the Tribal Council or by the United States Department of the Interior pursuant to 50 C.F.R. Part 17.
- 1.11 *Enforcement Officer* - Any sworn Tribal Enforcement Officer authorized by Tribal law to enforce Tribal conservation regulations, or federal enforcement agents, including Special Agents of the U.S. Fish and Wildlife Service, or other persons deputized by the Tribal Council to enforce these regulations.
- 1.12 *Federally Recognized Indian Tribe which has granted reciprocal rights* - A federally Recognized Indian tribe, band or community which has agreed in writing and so communicated with the LTBB Natural Resources Department that Tribal Members from the participating tribes with reciprocal rights may be permitted to hunt, trap, fish or gather within the territorial jurisdiction (Reservation) of such tribe, band or community.
- 1.13 *Firearm* - A weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion.
- 1.14 *Fishing Activity*- Fishing for, catching, taking, or attempting to fish for, catch or take, any species of fish from treaty ceded waters, including all related activities which occur in or on

the water, or immediately adjacent to the waters edge and in the process of loading or unloading fish, nets, or related gear, in or from a boat or vehicle.

- 1.15 *Fur bearer* - Fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat, mink, weasel, skunk, raccoon, badger, pine marten, fisher and opossum.
- 1.16 *Game* - Small game and big game.
- 1.17 *Fish* - Brook trout, lake trout, splake, brown trout, rainbow (steelhead) trout, coho salmon, chinook salmon, atlantic salmon, largemouth bass, small mouth bass, rock bass, walleye, sauger, northern pike, muskellunge, tiger muskellunge, sturgeon, bluegill, sunfish, crappie, perch, lake whitefish, and round whitefish (menominee), and any other species of fish now or in the future present within reservation boundaries which may be taken for subsistence.
- 1.18 *Migratory Birds* - Those birds included in the terms of the convention between the United States and any other country for the protection of migratory birds and for which open seasons are prescribed in these Regulations, including ducks, geese, swans, mourning doves, pigeons, rails, coots, gallinules, woodcock, crow and snipe.
- 1.19 *Personal Use* – The use of natural resources for direct personal or family consumption by Tribal members as food, medicine, shelter, fuel, clothing, tools; or cultural, ceremonial or transportation purposes; making finished handicraft articles or barter. For purpose of this section, the term:
  - A. “Family” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
  - B. “Handicraft articles” means article produced, decorated or fashioned in the exercise of traditional Indian handicrafts such as carving, weaving, beading, pottery, drawing or painting, without the use of mass copying devices; and
  - C. “Barter” means the exchange of natural resources or parts thereof for personal uses between Tribal members.

- 1.20 *Physician* - A person duly licensed by any state in the United States to practice medicine or osteopathic medicine and surgery.
- 1.21 *Reciprocal License*- A gathering, hunting, trapping, or fishing license issued to a federally recognized tribal member of a Tribe which has entered into a written reciprocal agreement authorizing the exercising of treaty rights within their territorial jurisdiction.
- 1.22 *Regulations* - These Regulations including any subsequent amendments to these Regulations.
- 1.23 *Roadways*- any governmental or corporate roadways where vehicular traffic is not restricted and the roadway is routinely used by the general public.
- 1.24 *Safety Zone* - Any area within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp, cottage, barn, or other building used in connection therewith.
- 1.25 *Slingshot* - A "Y" shaped device with an elastic strip at the prong, or one strip of stretchable material, with a pocket on one end, used for projecting stones or other objects.
- 1.26 *Small game* - Ruffed grouse (partridge), ring-neck pheasant, cottontail rabbit, snowshoe hare, gray squirrel, black squirrel, fox squirrel, red squirrel, quail, woodchuck, porcupine, sharp tail grouse.
- 1.27 *Targeting* – Fishing, hunting, trapping, or gathering activity, which has the effect of catching or taking a specific species or species of fish, wildlife, or plants.
- 1.28 1855 LTBB Reservation- All lands and waters described in Article I Third and Article I Fourth of the Treaty of Detroit of July 31, 1855, 11 Stat. 621, and, in addition thereto, all lands and waters acquired by the United States of America in trust for the Tribe pursuant to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act of September 21, 1994, 108 Stat. 2156.

- 1.29 *Threatened Species* - A species at risk of becoming endangered as determined by official action of the Tribal Council or by the United States Department of the Interior.
- 1.30 *Transport or Transportation* - Carrying or moving by any vehicle or vessel, or on foot, of fish, game, fur-bearers, migratory birds, reptiles, amphibians or plants or parts thereof or causing to be carried or moved or attempting to carry or move fish, game, fur-bearers, migratory birds, reptiles, amphibians or plants.
- 1.31 *Tribe* - The Waganakising Odawa, also known as the Little Traverse Bay Bands of Odawa Indians (LTBB).
- 1.32 *Tribal Court* - The Court of the LTBB Tribe.
- 1.33 *Tribal license* - A gathering, hunting, trapping, or fishing license issued by the Tribe to a Tribal Member, which license is valid and current.
- 1.34 *Tribal Member* - Enrolled member of the Little Traverse Bay Bands (LTBB) Tribe.
- 1.35 *Wild animals* - All creatures, not human, wild by nature, endowed with sensation, and power of voluntary motion, which includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, insects, and mollusks.

## **SECTION II. TERRITORIAL JURISDICTION**

- 2.01 These Regulations shall govern all hunting, fishing, trapping and gathering activities of Tribal Members on lands and waters within the 1855 LTBB Reservation boundaries.
- 2.02 Tribal Members are authorized, subject to the limitations and pursuant to these Regulations, to hunt, trap, fish and gather within the reservation boundaries, only on the following lands and waters:

- A. Lands and waters open to public hunting, trapping, fishing and gathering.
  - B. Tribal lands which are open to hunting, trapping, fishing and gathering by Tribal members (see LTBB Natural Resource Dept. for detail); and
  - C. Private lands including without limitation lands held by non-Tribal members, land held in fee by Tribal Members, lands held by Tribal Members subject to restrictions on alienation and lands held by the United States in trust for Tribal Members, but only with permission from the owner, occupant or lessee.
  - D. All lakes, rivers, streams and creeks accessible through public right-a-ways including but not limited to public road crossings, or otherwise assessable by a landowner's permission.
- 2.03 *Reciprocal Licenses*- The Natural Resources Department may issue Reciprocal Licenses to members of federally recognized Indian tribes which are signatories to Treaty of 1836 and which have written reciprocal treaty rights agreement in place. The Reciprocal License and any necessary tags must be acquired at the LTBB NRD office and the tribal hunter with reciprocal rights must follow and shall be subject to the Reservation Regulations as set by the LTBB NRC for the LTBB 1855 Reservation. Any violations by the Reciprocal License holder will be processed in LTBB's tribal Court. The visiting tribal hunter will inform the LTBB Natural Resources Department of the approximate location and the day(s) the tribal hunter will be hunting on the LTBB Reservation. Animals harvested under the authority of another tribe or jurisdiction shall be counted toward the totals allowed under these Regulations. The LTBB Natural Resources Department has the authority to contact the reciprocating tribe to inquire about cumulative bag limits. Anyone issued a license for hunting, trapping, fishing or gathering by such persons shall be limited to those lands and waters listed in Section 2.02 and may be further limited by specific license restriction.

### **SECTION III. HUNTING REGULATIONS**

- 3.01 *Hunters Safety Course*- Any Tribal member 21 years of age or younger who applies for a Tribal License to hunt any small game, big game, or fur bearer shall either produce a

previous license to hunt or trap from a Tribe or other lawful issuing agent within the State of Michigan or have successfully passed a recognized Hunter Safety Course. If the tribal member is over the age of 21 and can not produce evidence of a previous lawfully issued hunting license nor produce evidence of having successfully completed a certified Hunters Safety Course, he/she will be required to take and successfully pass a 25 question hunters safety test before being issued a license to hunt.

### 3.02 Age Limits-

- A. No Tribal Member less than ten (10) years of age shall be allowed to possess a Tribal license to hunt. It shall be unlawful for member under the age of 10 years old to hunt. A Tribal Member under ten (10) years of age may be issued a License to trap upon application signed by a parent or guardian provided that the member under ten (1) may not be authorized or allowed to have a firearm in his/her possession while trapping.
- B A Tribal Member must be at least ten (10) years old to hunt small game, migratory birds, or turkeys.
- C. Tribal Member must be at least twelve (12) years of age to hunt big game (except turkey, see Section 3.02 (b) with a firearm.
- D. Any Tribal Member between the ages of ten (10) and sixteen (16) years of age, while hunting with a firearm shall be under the immediate control of an adult who shall have in his/her possession a valid Tribal or State License.

### 3.03 *Harvest Tags* - In addition to the Tribal license required by this section, a Tribal Member may be required to obtain annual harvest tags in order to hunt or trap certain species. Harvest tags shall be completely filled out and affixed to the animal when transporting the game.

- A. Annual harvest tags shall be obtained from the Tribe in order to hunt deer, bear, elk or wild turkey.

- B Harvest tags shall be affixed immediately after harvest to harvested animals.

### 3.05 *Permits*

- A. *Disabled Tribal Hunter Permits-* The Natural Resources Department may issue a Disabled Tribal Hunter permit to discharge a firearm, bow or crossbow from a stationary motor vehicle within a roadway other than a state or federal highway to a member who is permanently physically unable to walk without crutches, braces, or other mechanical support as verified by a Physician. The holder of such a permit must shoot away from and not across the roadway. In addition to the permit, the member will also be issued a visible disable hunter tag which shall be placed on the vehicle where it is visible, for example on the windshield or the front dashboard.
- B. *Special Needs Permit-* Tribal Hunters with special needs may obtain a permit from the Natural Resources Department. The criteria for a special needs permit include, but are not limited to, being out of food, ceremonies, traditional feasts, a death or birth in the immediate family, or a family hardship. The Tribal Hunter shall have a valid tribal license and request a special needs permit and tags in writing. A tribal member with a special needs permit may use the services of another enrolled Tribal member to harvest an animal for them, in which case both the permittee and helper must be named on the permit. In reviewing and taking action on a request for any Special Use Permit, the Tribe shall take into account the biological impact of the harvest to include such terms and conditions as may be necessary to protect the resource and shall ensure compliance with all applicable regulations and laws.
- C. *Road Kill Permit-* If a Tribal member accidentally strikes and mortally wounds a regulated species while driving a motor vehicle or comes upon a fresh road kill of such animal, the Tribal member shall report the findings as soon as possible to the Natural Resource Department or local law enforcement agency. The Enforcement Officer may then authorize the issuance of a road kill permit to allow the Tribal member to take and use such animal.

## SECTION IV. HUNTING GENERAL PROVISIONS



- 4.01 *Artificial Light*- Handheld artificial light may only be used to hunt fox, raccoon, opossum and coyote.
- 4.02 *Barter of Hides* - It shall be lawful for Tribal Members to possess, use for barter, or to transport hides, furs or pelts of fur bearers, big game or small game lawfully taken, including the sale of beaver, raccoon and muskrat flesh.
- 4.03 *Bow and Arrow Hunting* - Bow and arrow may be used to hunt both big game and small game, provided that a broad head with a cutting surface of at least one inch (1") diameter may be used to hunt big game including wild turkey.
- 4.04 *Crossbow* - Properly licensed tribal hunters may use a crossbow to hunt both big game and small game. Crossbows may also be used during the archery, firearm and youth deer hunting seasons.
- 4.05 *Discharging Firearms, Bows and Arrows and Muzzleloaders*
- A. Restrictions related to highways. (1) A member may not discharge a firearm or an arrow from a bow or crossbow on, over, or across a roadway . A member may not discharge a firearm, bow, or crossbow within the right-of -way of a roadway. The Commission may by order extend the application of this subsection to the taking of migratory waterfowl in designated locations. (2) A member may not discharge a firearm, bow, or crossbow on, over, across or within the right-of-way of a roadway.
- B. Restrictions related to motor vehicles. A member may not take a wild animal with a firearm, bow or crossbow from a motor vehicle except that a member may do so from a stationary vehicle which is parked off of and more than 66 feet from the center of an improved two lane highway, and 122 feet from the center of a four lane highway, as permitted in subsection 3.05(A). Provided, however, that it is lawful to shoot from a motorized boat as long as the motor is not running and forward momentum has ceased, except for forward motion caused by the water or wind current.

- C. No person shall discharge a firearm, muzzleloader, bow or cross bow or shoot at any wild animal or bird within a safety zone, as defined in Section 1.24, without being the owner or occupant of the safety zone property or having permission of the owner or occupant of the safety zone property. Exception: This provision shall not apply to indoor or outdoor shooting ranges, target shooting, or law enforcement activities. However, this provision does not exempt persons from any applicable city, village, township, tribal or any other municipal laws or regulations that may restrict the discharge of firearms, muzzleloaders, cross bows, or bows
- 4.06 *Federal Laws on Hides* - All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any fur bearer shall apply to the identification, sale or transportation under these Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. If tribal members wish to export bobcat, otter or bear hides from the United States, a federal CITIES permit will be required. For details, contact the LTBB NRD.
- 4.07 *Hunting from Platforms* - Tribal Members may hunt big game, small game, fur bearers or bear from a tree or portable raised platform.
- 4.08 *Sale of Game* - It shall be unlawful for any Tribal Member to engage in the sale of game except beaver, raccoon and muskrat flesh.
- 4.09 *Registration of Hides* - All bobcat, badger, or otter either shot or trapped shall be presented to a biological staff of the NRD for inspection and registration within seventy-two (72) hours of being taken. All CITES applicable animals will be tagged in accordance with federal law.
- 4.10 *Shooting hours* - Shooting hours are one half hour before sunrise to one half-hour after sunset excluding waterfowl (See Section XI. Migratory Birds). Fox, raccoon and coyote may be hunted after sunset with use of dogs, or game call and artificial lights
- 4.11 *Transportation* - Fur bearers, big game, or small game lawfully taken by licensed Tribal Members may be transported within or outside of the reservation boundaries provided that

the member shall have a valid Tribal license in possession. Big game must be tagged with a harvest tag whenever it is being transported.

4.12 *Transportation of Firearms, Bows and Crossbows, and Muzzleloaders-*

- A. A member may not transport firearms in any motorized vehicle within the Reservation unless they are; 1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed; 2) unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle; 3) if a handgun, the following criteria apply: a) While in the field, handguns must be carried in plain view. Carrying a handgun in a holster in plain view is permitted. b) You may transport your handguns while enroute to and from your hunting area, however, handguns, including BB guns larger than .177 caliber and all pellet guns must be unloaded and carried in a container or wrapper in the trunk of the vehicle. If the vehicle does not have a trunk, the handgun must be unloaded and carried in a container or wrapper and cannot be readily accessible to any occupant of the vehicle. c) A restricted concealed pistol license for hunting, trapping, or target shooting does not give you any additional authority to transport a loaded or unloaded handgun in your vehicle or on any public conveyance.
- B. A member may not transport an archery bow or cross bow in motor vehicle unless the bow is; 1) unstrung; 2) completely contained in a case expressly made to contain it; or 3) in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.
- C. A member may not transport a muzzleloader rifle in a motor vehicle unless the muzzleloader 1) has the cap removed and completely contained in a case expressly made to contain it; 2) is unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

**SECTION V. HUNTING RESTRICTIONS**

- 5.01 *Automatic and Semi-automatic Weapons* – 1) Fully automatic firearms are illegal. No Tribal Member shall use in hunting, pursuing or killing a wild animal, or be in possession of, in

an area frequented by wild animals, any fully automatic firearm. 2) No Tribal Member shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals, any semi-automatic shotgun or rifle, capable of holding more than six (6) shells in both the chamber or magazine combined, other than .22 caliber rim fire for use for small game only, or use cartridges containing either tracer or exploding bullets. 3) All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.

- 5.02 *Bait* - It shall be unlawful to use salt or bait to hunt deer.
- 5.03 *Driving Wildlife*- It shall be unlawful to set or use fire to drive wild animals or to attempt to take wild animals.
- 5.04 *Firearms Limitations* – 1)Any firearm used in hunting big game other than wild turkey must be a center fire rifle of .223 caliber or larger, muzzle loader of .40 caliber or larger, or shotgun using slug or buckshot. 2) While using artificial light to hunt allowable species a tribal member must use a rim-fire rifle of .223 caliber or smaller.
- 5.05 *Harmful Substances* - No fur bearer, migratory birds, small game, or big game may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful or stupefying substances.
- 5.06 *Harassment of Hunters* - It shall be unlawful to harass, impede, or interfere with any legally licensed hunter.
- 5.07 *Hunting with Dogs* – 1) It shall be unlawful to hunt deer or wild turkey with dogs, 2) It shall be legal to use leashed dogs to track wounded deer.
- 5.08 *Hunters Orange* - It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting waterfowl, crow, wild turkey, predators, nor to bow hunters, except from November 1 to January 1.
- 5.09 *Limitations on Turkeys* - Wild turkey shall only be hunted with a shotgun or muzzle loading shotgun while using number four (#4) shot or smaller or with a bow and arrow or

crossbow.

- 5.10 *Pursuit with Vehicles* - It shall be unlawful to hunt or pursue any fur bearer, small game, migratory birds, or big game with automobile, motorcycle, ORV, airplane, snowmobile, motorboat, or any other motorized or wind powered vehicle or boat.
- 5.11 *Silencers* - No Tribal Member shall use, or be in possession of, a device or apparatus known as a silencer.
- 5.12 *Restrictions* - Unless otherwise specified in these Regulations or by special Tribal Regulations set by the LTBB NRC, no Tribal Member shall make use of artificial light, cage, net, trap, pit, pitfall, deadfall, snare, drug, poison, chemical, fire, smoke, gas, explosive, or mechanical device other than firearm or bow and arrow for the purpose of harvesting or killing big game or small game.
- 5.13 *Shooting of animals while in the water*- It shall be unlawful to shoot or discharge a firearm at fur bearers, small, or big game while they are swimming.
- 5.14 *Trapping Big Game* - It shall be unlawful to trap or snare big game.

## **SECTION VI. HUNTING SEASONS**

- 6.01 *Small Game* - September 1 through April 1.
- 6.02 *Deer*
  - A. Archery (Crossbow is included) - October 1 through January (3).
  - B. Weapon of Choice (includes bow, crossbow, muzzleloader, shotgun, rifle and handgun): November 1 to January 3. (Subject of limitations set forth within Section V. *Hunting Restrictions*)
  - C. Youth (ages 12-16) firearm season – Last *seven days* of September

- D. Garden Island- October 1- November 30. Tribal members must notify and obtain permit from Natural Resources Department prior to hunting on islands.

6.03 *Bear* - No open season under Tribal regulations.

6.04 *Wild Turkey*

- A. Fall Season - October 1 through November 14.

- B. Spring Season - April 15 through May 31.

6.05 *Elk* - No open season under Tribal Regulations.

6.06 *Fur bearers*

- A. Hunting

1. Bobcat and mink- November 1 through March 1. See special instructions for preparing Furbearers for Registration.
2. Gray fox, red fox, - November 1-March 1.
3. Raccoon- October 15- January 31
4. Coyote- January 3-November 14 (closed November 15-30) December 1-January 3

## **SECTION VII. HUNTING BAG LIMITS**

7.01 *Small Game* - A limit of five (5) of each species per day and a possession in transport limit of no more than two (2) days' limit per licensee.

7.02 *Big Game*

- A. Deer - A limit of five (5) deer per tribal hunter per year (includes reservation and Ceded Territory, no more than two (2) of which may be bucks with three inch antlers. The tribal hunter can harvest the deer with a bow and arrow, cross bow rifle or muzzleloader. Provided that no more than two (2) harvest tags shall be issued at any one time and subsequent harvest tags are issued only upon receipt of filled harvest tags.
- B. Bear/Elk - No open season under Tribal Regulations
- C. Wild Turkey - Two (2) birds of either sex per fall season; two-(2) adult male(s) with visible beard(s) per spring season.

#### 7.03 Furbearers-

- A. Bobcat – one per year. Tribal members may harvest no more than no bobcat per year.
- B. All other species have no bag limit.

### **SECTION VIII. TRAPPING**

- 8.01 Any Tribal Member ten (10) years of age or older, who traps within the reservation boundaries, while having under his/her control or immediate possession any firearm bow and arrow, slingshot, trapping apparatus, or any other device capable of killing or restraining fur bearers or game, shall have in his/her possession a valid and current Tribal license. Any Tribal member under ten (10) years of age may be issued a license to trap upon application signed by a parent or guardian provided that the member under ten (10) may not be authorized or allowed to have a firearm in his/her possession while trapping.
- 8.02 *Traps* - Traps used for harvesting fur bearers, snowshoe hare or cottontail rabbit shall be leghold, box type, or body gripping (conibear) type or locking type snare.

- 8.03 *Trap and Snare Markings* - All traps and snares set shall be clearly marked with the Tribal license number and the name of the person who set the trap. All traps and snares shall be attended daily.
- 8.04 *Live Animals for Trapping* - It shall be lawful to possess, in a humane way during trapping season, one live coyote and two live fox for the purpose of collecting urine and droppings for trapping; provided, that at least one member of the immediate family must have a valid Tribal trapping license.
- 8.05 *Possession* – A legal and current photo ID hunting/trapping license shall be required to take transport, or possess any fish, game, furs, plants, hides, amphibians or reptiles, or auxiliary parts thereof within the Reservation and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.
- 8.06 *Transportation* – Furbearers big game or small game lawfully taken by licensed Tribal Members may be transported within or outside of the Reservation provided that the member shall have a valid and current Tribal Photo License in possession. The transported game (that required a tag) must be tagged with a harvest tag containing all necessary information required.
- 8.07 *Registration of Hides*- All bobcat, badger, bear or otter either shot or trapped shall be presented to a LTBB Biological staff for inspection and registration within seventy-two (72) hours of being taken. All CITES applicable animals will be tagged in accordance with federal law.
- 8.08 *Federal Laws on Hides*- All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any furbearer apply to the identification, sale or transportation under Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. If a tribal member wishes to export bobcat, otter or bear hides from the United States, a federal CITES permit will be required. For details, contact the Natural Resource Department.
- 8.09 *Barter of Hides & Flesh*- It shall be lawful for Tribal Members to possess, sell, or use for



barter, or transport hides, furs or pelts of fur bearers, big game or small game lawfully taken, including the sale of the flesh of beaver, raccoon and muskrat.

- 8.10 *Hunters Orange* – It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting waterfowl, crow, wild turkey, predators, nor to bow hunters, except from November 1 to January 1.
- 8.11 *Harmful Substances* – No furbearer, migratory bird, small game, or big game may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful substances.
- 8.12 *Trapping Big game* – It shall be unlawful to trap or snare big game.
- 8.13 *Incidental Tags*-One incidental tag per species shall be issued; after one tag has been issued, any additional harvested animals must be turned into the Natural Resources Department.
- 8.14 *Turtle Trapping*-All traps used for turtles shall also have at least four (4) inches of air inside the trap.

## **SECTION IX. TRAPPING SEASONS AND BAG LIMITS**

- 9.01 Beaver and otter - November 1 through April 16.
- 9.02 Muskrat, mink and bobcat - November 1 through March 15
- 9.03 Raccoon, red fox, gray fox, coyote and badger- November 1- March 1.
- 9.04 Pine Marten and Fisher- no open season.
- 9.05 Otter, badger and bobcat - two (2) species per season. All other species have no bag limit.
- 9.06 Accidentally trapped non-target protected species such as lynx, gray wolf, fisher or marten, etc. are unlawful to possess. All live animals shall be released if possible. The trapping of all other such animals shall be reported immediately to a Conservation Enforcement Officer.

## SECTION X.           MIGRATORY BIRD REGULATIONS

10.01 *License* - Any Tribal Member twelve (12) years of age or older who hunts migratory birds within the reservation boundaries shall have in possession a valid Tribal license.

10.02 *Age Restriction* - No Tribal Member under twelve (12) years of age shall be allowed to hunt migratory birds or possess a migratory bird hunting license.

### 10.03 Restrictions

- A. No tribal member may take, possess, transport, or assist in the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law (except as allowed by a federal or applicable tribal permit).
- B. *Firearm Restrictions*- 1) No tribal members shall hunt migratory birds by any other means other than shotgun, muzzle loading shotgun or shotguns with shells longer than three and one half inches 2) It shall be unlawful to use any rim fire, center fire, or muzzle loading rifle to take migratory birds.
- C. *Firearm Limitations*- Tribal members shall not hunt migratory birds with a shotgun of any description greater than ten (10) gauge and capable of holding more than three (3) shells, unless it is plugged with a one (1) piece filler which is incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- D. *Shot Restrictions*- Tribal members shall not use or be in possession of any shot other than non-toxic when hunting or attempting to hunt take migratory birds; provided, however, that it shall be legal to hunt woodcock, crow and mourning dove with lead shot rather than non-toxic.
- E. *Blind Restrictions*- Tribal members shall not hunt migratory birds from or by means or use of a sink box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.

- F. *Pursuit with Vehicles*- It shall be unlawful to hunt or pursue migratory birds from a motor boat, or any other craft having a motor attached, or by means of any motorized land or air conveyance.
- G. *Driving Migratory Birds*- It shall be unlawful to use any land, water or air conveyance to drive, concentrate or disperse migratory birds.
- H. *Baiting*- It shall be unlawful to use or attempt to use bait, or hunt migratory birds on or near a baited area, provided, however, that it shall be legal to hunt migratory game birds in agricultural fields.
- I. *Federal Law*- It shall be unlawful to violate any additional Federal law addressed in 50 C.F.R. Part 20 dealing with hunting migratory birds upon request.

## **SECTION XI            MIGRATORY BIRD SEASONS AND BAG LIMITS**

11.01 *Shooting Hours* - From one half (1/2) hour before sunrise until sunset.

11.02 Ducks – September 15, through January 20.

11.03 Coots and Gallinules- September 15- January 20.

11.04 Geese

- A. White Front, Brant, Snow and Blue Geese- September 1- November 30.

- B. Canada geese- September 1- February 8.

11.05 Morning Dove, Rails, Snipe, and Woodcock - September 1- November 14.

11.06 Crow- No closed season

- 11.07 *Ducks*- The bag limit for ducks shall not exceed twelve (12) per day, and shall not include more than one (2) pintail, one (2) canvasback, one (1) hooded merganser, two (3) black ducks, two (3) wood ducks, two (3) redheads, and five (6) mallards- only two of which may be hens.
- 11.08 *Geese*- White Front, Brant, Snow and Blue Geese- Ten (10) per day, Canada Geese- five (5) per day.
- 11.09 *Rails, Mourning Dove and Snipe*- Ten (10) per day.
- 11.10 *Woodcock*- Five (5) per day.
- 11.11 *Coots and Gallinules*- Twelve (12) per day.
- 11.12 *Crow*- No bag limit.
- 11.13 The possession limit for migratory birds shall not exceed the two (2) days bag limit.

## **SECTION XII. INLAND FISHING**

- 12.01 *Fishing License* - Any Tribal Member sixteen (16) years of age or older who fishes or attempts to take any fish, reptiles or amphibians while having under his/her control or in his/her possession any pole, reel, tip-up, hand line, trap, seine, dip net or spear, within 1855 LTBB Reservation boundaries shall have in his/her possession a valid and current Tribal photo inland fishing license. No license is required for a Tribal Member less than sixteen (16) years of age to fish, however all provisions of these Regulations shall apply.
- 12.02 *Methods and Gear Restrictions*.
- A. The use of poles, reels, tip-ups, hand lines, spears, bow and arrow, dipnets, seines , clubs and hands are lawful for use while fishing subject to the following regulations.
  - B. Seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet are legal for smelt on inland lakes.

- C. Bait fish may be taken by trap seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet.
- D. Individual hook and line fishing is limited to four (4) lines per person with up to four (4) lures per line; except that there will be no limit on the number of hooks per line for smelt. Ice fishing is limited to 9 (including tip-ups and hand lines), per licensee.
- E. One (1) trot line per license holder. The trot line shall be limited to five (5) lures/hooks of which shall be size 4 or larger per line and must be checked daily. Each trot line shall be clearly marked with a gallon buoy along with the tribal license number of the person who set the line.
- F. Fixed ice shanties must have the owner's name, address and/or number of the Tribal license permanently affixed on all sides with letters at least three inches (3") high. Shanties must be removed prior to the ice becoming unsafe but no later than March 15.
- G. Fishing with a dipnet is permitted on all streams and rivers subject to the seasons, size and creel limits and other restrictions imposed by the LTBB NRC.
- H. Fishing with a spear, bow and arrow, dip net, club, cross bow, trotline, club or hands is permitted on any water body subject to seasons, size and creel limits and other restrictions imposed by Tribal regulations. In addition to a valid Tribal License required by this section, Tribal members are also required to obtain and submit a complete harvest report for the harvest of certain species of fish with a spear, bow and arrow, hands, club, trotline or dip net. (see section 12.04).

12.03 *Restrictions* - It shall be unlawful to:

- A. Use explosives, drugs, poisons, lime medicated bait or other deleterious substances to take or attempt to take fish.

- B. Drive or harass fish into nets.
- C. Use firearms to take or attempt to take fish.
- D. Use gill nets, trap nets, seines or gorge to take fish, except as allowed for section 12.02. B and 12.02.C.
- E. All lines must be tended, provided that fisher must be within eyesight of a tip-up to be considered tended and provided further that trot lines must be checked daily.
- F. Use a weighted treble hook or weight attached after the treble hook to take or attempt to take fish.
- G. Wanton destruction or waste of fish.
- H. Take fish for the sole purpose of egg (spawn) collection.
- I. Take any species of game fish determined to be threatened or endangered by the United States Fish and Wildlife Service or the LTBB NRC.
- J. Harass or impede another fisherman or boater.
- K. It shall be unlawful to sell flesh of fish from inland waters.
- L. It shall be unlawful to sell bait fish without a Special Use Permit.

12.04 *Reporting*- In addition to the Tribal License required by this section, Tribal members are also required to obtain and submit complete harvest reports for the harvest of the species of fish listed below when harvested by hand or via a spear, dipnet , club, trotline or bow fishing equipment.

- A. Completed harvest reports must be completed and submitted to the Natural Resource Department upon the harvest of any walleye, northern pike, muskellunge, salmon, trout (including steelhead and brook trout) through the use of a spear, dipnet, hand, trotline, club or bow fishing equipment.

- B. Harvest reports shall indicate the body of water where the harvest is taking place, date of harvest, species, length and sex (if known) of each harvested fish.
- C. Harvest reports shall be submitted within seven (7) days of harvest date.

#### 12.05 SEASONS

- A. Trout and salmon, Inland lakes, streams and river – No closed season. Except as otherwise stated in these Regulations.
- B. Largemouth bass, small mouth bass, sauger, walleye northern pike, muskellunge, and tiger muskellunge Inland lakes and streams – No closed season.
- C. Bluegill, sunfish, crappie, rock bass, perch, lake whitefish, menominee, catfish, and other species not listed - No closed season
- D. Sturgeon - No open season.

#### 12.06 *Size Limits*

- A. Trout and salmon
  - 1. Inland Lakes - Ten inch (10") minimum.
  - 2. Streams: Eight-inch (8") minimum.
- B. Largemouth and small mouth bass - Twelve inch (12") minimum.
- C. Northern pike - Twenty-inch (20") minimum. Except that O'Neal Lake shall have no size limit.
- D. Muskellunge and tiger muskellunge - forty-two inch (42") minimum.

- E. Walleye - Fourteen inch (14") minimum
- F. Bluegill, sunfish, crappie, lake whitefish, menominee, perch, catfish species, and other species not listed - No minimum size.

#### 12.07 *Creel Limits*

- A. Lake trout, rainbow trout, splake, brook trout and brown trout - Five (5) per species per day with a maximum of ten (10) in combination.
- B. Brook trout, brown trout, rainbow trout in streams - a maximum of ten (10) in any combination. No more than three (3) of the total may be over sixteen inches (16") long.
- C. Coho and Chinook salmon - Five (5) per species per day.
- D. Muskellunge and tiger muskellunge - One (1) per day.
- E. Largemouth bass, small mouth bass, walleye and sauger - Ten (10) per day.
- F. Bluegill, sunfish, crappie, lake whitefish, and yellow perch - Fifty (50) per day.
- G. Northern Pike- Five (5) per day
- H. Rainbow smelt, suckers, carp, menominee, minnows and others not listed above: No limit.

### **SECTION XIII. AMPHIBIANS AND REPTILES**

13.01 *Amphibian Reptiles License* - Any Tribal Member sixteen (16) years of age or older who takes or attempts to take any reptiles or amphibians while having under his/her control or in his/her possession any pole, reel, hand line, trap, seine, dip net or spear, within 1855 LTBB



Reservation boundaries shall have in his/her possession a valid and current Tribal photo inland fishing license. No license is required for a Tribal Member less than sixteen (16) years of age to fish, but all provisions of these Regulations shall apply.

13.02 *General Regulations* Amphibians and Reptiles may not be shot with firearms (including spring, air, or gas propelled) or bow and arrow. Taking of amphibians and reptiles may be done by hand, trap, dip nets, seines and hook and line. Frogs may be speared but not while using artificial light.

13.03 *Personal Use* - Taking of amphibians and reptiles shall be for personal use only. No reptiles or amphibians or parts thereof may be harvested for commercial purposes within the reservation boundaries.

13.04 *Endangered and Threatened Species*- No animal as determined to be threatened or endangered by the United States Fish and Wildlife Service or LTBB Tribal Council shall be taken or possessed.

13.05 *Reptiles* - No snapping turtles or soft-shelled turtles may be taken at any time during the year without a Special Use Permit. Snapping turtles and soft-shelled turtles may be taken throughout the year with a Special Use Permit provided that no commercial harvest is allowed. No snapping turtle less than twelve inches (12) of carapace (shell measured from head to tail) may be taken even with a Special Use Permit.

#### 13.06 SEASONS

Amphibians - Last Saturday in May through November 15.

#### 13.07 SIZE LIMITS

Amphibians- No size limit.

#### 13.08 BAG LIMITS

Amphibians- Not more than fifty (50) of each species may be taken per day and not more than one hundred (100) of any species may be in possession at any given time.

#### **SECTION XIV. GATHERING VEGETATION AND NATURAL GROWTH**

It shall be lawful for Tribal Members to gather and use vegetation and natural growth for the construction of traditional crafts, handicraft articles, medicine and food and traditional lodges, subject to the following regulations:

- 14.01 *Gathering License* - A Tribal Member must acquire an Inland Hunting/Fishing/Trapping and Gathering License in order to gather vegetation, natural growth or minerals; provided, however, that no license will be required to gather fruit, fungi and nuts, and provided further that no license will be required to harvest vegetation or natural growth for religious or ceremonial purposes or for consumption by tribal members.
- 14.02 *Private Property* – Permission must be obtained from a private land owner prior to gathering on such land.
- 14.03 *Personal/Family Subsistence*- No Special Use Permit will be required for the use of vegetation or natural growth for direct personal or family consumption by Tribal members as food, medicine, shelter, fuel, clothing, tools; and transportation; or for the making of finished handicraft articles for personal use or barter.
- 14.04 *Medicinal Use*- No license or permit will be required to gather vegetation or natural growth if such vegetation or natural growth is intended for religious or ceremonial purposes.
- 14.05 *Commercial Gathering Permit*- Tribal members seeking to harvest vegetation or natural growth or minerals for the sole purpose of commercial sale of raw materials or incorporating it into a handicraft or artwork to be sold for a profit must acquire a Commercial Gathering Permit from the Natural Resource Department before the harvest or attempt to harvest any vegetation or natural growth, Except that no permit required for the commercial gathering of fruit, berries, mushrooms or nuts.
- 14.06 *Endangered Species* - It shall be unlawful to gather, collect, or be in possession of any vegetation or parts of any threatened or Endangered species.

- 14.07 *Sweetgrass* - Sweetgrass with roots attached shall not be sold within reservation boundaries.
- 14.08 *Biological Restrictions* - In reviewing and taking action on a request for a Commercial Gathering Permit, the biological impact of the harvest shall be taken into account. Such terms and conditions as may be necessary to protect the resource and to ensure compliance with applicable laws and regulations shall be affixed to the Special Gathering Permit. The Natural Resources Commission may limit the quantity of particular types of vegetation taken under a Special Gathering Permit based on scarcity of the resource, heavy demand or other biological reasons.

## **SECTION XV. BIOLOGICAL ASSESSMENT AND MONITORING.**

- 15.01 *Biological Assessment*- The Natural Resource Department may require that fur bearers, small game, big game, migratory birds, fish, reptiles, amphibians or the habitats of any of them within the LTBB Reservation boundaries be subject to reasonable biological assessment. The purpose of such assessment is to insure long range management of these species and their environs, or changes to the existing regulations or any future regulations as necessary to foster such preservation and management.
- 15.02 *Assessment Permits*- A Tribe's Natural Resource Department may authorize a Tribal member to assist with or perform an assessment designed to gathering natural resource data to better help manage the resource more effectively. The tribal member will be required to have a valid Tribal License and have in his/her possession at all times a duly authorized assessment permit while conducting such assessment.
- 15.03 *Scientific Collectors Permit*- The Natural Resources Department may issue its employee's collector's permits for the purpose of conducting biological assessments in accordance with the approved Strategic Plan.
- 15.04 *Monitoring*- It shall be the duty of the Tribal biologist to monitor all take and harvest of game, fish, fur bearers, migratory birds, reptiles, amphibians, plants and the natural growth through the receipt of catch reports, through game bag checks, patrols, jawbone retrieval and mail surveys.

- 15.05 *Emergency Action*- The LTBB Natural Resource Commission may take or enact emergency measures in order to preserve the rights or resources of the Tribes and its members. This may include but not be limited to shortening or closing seasons, reducing bag limits and/or similar methods. The Joint Natural Resource Commissions may take this action at any regularly scheduled meeting or by phone call poll for that purpose. However, such emergency enactment shall require a unanimous vote of the Natural Resource Commission.
- 15.06 *Technical Amendment*- The LTBB NRC may make technical amendments to this document as needed for the protection of the resources addressed within these regulations.

## **SECTION XVI. SPECIAL USE PERMITS**

- 16.01 In reviewing and taking action on a request for any Special Use Permit, the Tribe shall take into account the biological impact of the harvest and to include such terms and conditions as may be necessary to protect the resource and shall ensure compliance with all applicable laws and regulations.
- 16.02 *Assessment Permits*- A Tribe's Natural Resource Department may authorize a Tribal member to assist with or perform an assessment to assist the tribe in gathering natural resource data to better help the manage the resource more effectively. The tribal member will be required to have a valid Tribal License and have in his/her possession at all times a duly authorized assessment permit while conducting such assessment.
- 16.03 *Scientific Collectors Permit*- The Natural Resource Department may issue its employees collector's permits for the purpose of conducting biological assessments in accordance with the approved Strategic Plan.
- 16.04 *Disabled Tribal Hunter Permits*- The Natural Resources Department may issue a Disabled Tribal Hunter permit to discharge a firearm, bow or crossbow from a stationary motor vehicle within a roadway other than a state or federal highway to a member who is permanently physically unable to walk without crutches, braces, or other mechanical support as verified by a Physician. The holder of such a permit must shoot away from and not across the roadway.
- 16.05 *Special Needs/Cultural Permit*- Tribal Hunters with special needs may obtain a permit from the Natural Resources Department. The criteria for a special needs permit include, but are

not limited to, being out of food, ceremonies, traditional feasts, a death or birth in the immediate family, or a family hardship. The Tribal Hunter shall have a valid tribal license and request a special needs permit and tags in writing. A tribal member with a special needs permit may use the services of another enrolled Tribal member to harvest an animal for them, in which case both the permittee and helper must be named on the permit.

- 16.06 *Road kill Special Use Permit* – If a Tribal member accidentally strikes and mortally wounds a regulated species while driving a motor vehicle or comes upon a fresh road kill of such animal, the Tribal member shall report the findings as soon as possible to the Natural Resource Department or local law enforcement agency. The Enforcement Officer may then authorize the issuance of a road kill permit to allow the Tribal member to take and use such animal.
- 16.07 *Commercial Gathering Permit*–Tribal members seeking to harvest vegetation or natural growth or minerals for the sole purpose of commercial sale of raw materials or incorporating it into a handicraft or artwork to be sold for a profit must acquire a Commercial Gathering Permit from the Natural Resource Department before the harvest or attempt to harvest any vegetation or natural growth, Except that no permit required for the commercial gathering of fruit, berries, mushrooms or nuts.

## **SECTION XVII. POSSESSION AND USE FOR RELIGIOUS PURPOSES.**

- 17.01 No animal shall be taken, or plant or mineral gathered, by any Tribal member for any purpose except as allowed for in these regulations or by the Special Use Permit issued by the Tribe under these regulations.
- 17.02 Nothing in these regulations shall be construed to prohibit the possession or use of any species of plant or animal by a Tribal member for spiritual practices.
- 17.03 If a Tribal member finds a dead eagle, hawk, fur bearer, or any Endangered Species, the member shall report the finding as soon as possible to the Natural Resource Department. The member should leave it and direct a Tribal Conservation Enforcement Officer to the place where the carcass was found. The Tribal Enforcement Officer shall take a sworn statement from Tribal member regarding the circumstance under which the carcass was found. Upon conclusion of the investigation (ruling out foul play) and if

permissible by tribal and federal law the officer may issue a permit to Tribal member allowing him/her to retain possession of said animal.

## **SECTION XVIII. WILDLIFE DAMAGE AND NUISANCE ANIMAL CONTROL**

- 18.01. *Nuisance Control Permit*- A special use permit(s) may be issued by Tribe's Natural Resource Department to take, possess or relocate wild animals that are damaging or about to damage property owned by the Tribe or a tribal member. The permit shall be subject to such terms and conditions as deemed necessary or appropriate by the department and shall require the member to report whether the animal was killed.
- 18.02 Coyote, raccoon or crow may be taken on private property with permission from the owner, at any time if the animal poses an immediate threat of harm to any live stock or person(s). All take under this provision must be reported to the members Natural Resource Department within 24hrs.

## **SECTION XIX. GENERAL PROHIBITIONS**

19.01 It shall be unlawful to:

- A. Exceed established limits, or prohibited means of taking, game, fish, reptiles, amphibians, or violate any other terms or conditions contained in any Special Use Permit.
- B. Refuse to produce a license, permit, tag or other identification upon the request of a Law Enforcement Officer.
- C. Refuse to consent to any inspection or search as authorized in Section 20.04.
- D. Harass or interfere with any legal licensed person fishing, hunting, trapping or gathering or any duly authorized biological staff while in the performance of their duties.

E. Fail to make a reasonable effort to recover dead or wounded game or migratory birds.

F. Engage in wanton destruction of game, migratory birds or fish.

G. Use or allow another person to make use of a Tribal License not his/her own.

## **SECTION XX. ENFORCEMENT**

20.01 The LTBB Natural Resource Department's Conservation Enforcement Division's duly sworn officers are authorized to and responsible for enforcing the provisions of these regulations

20.02 The enforcement officers are also hereby authorized to carry firearms in the performance of their duties.

20.03 Tribal Conservation Enforcement Officers or any officer deputized by a Tribal Council to enforce natural resource regulations or laws may detain any person(s) committing an offense and may seize or confiscate any fish, game, furbearers, wild animals, their parts or hides and/or any vehicles, vessels, firearms, bow, traps, nets, lines or any other associated paraphernalia used in committing the offense. All seized or confiscated material taken under this part shall be held as evidence according to applicable tribal law enforcement policies or turned over to the court of the jurisdiction.

### **20.04 *Search and Seizures-***

- A. Any Authorized Officer may, without a search warrant, search any aircraft, watercraft, motorized vehicle, box, game animal, fish, bag, locker, tool box, ice chest, camper, camper shell, trailer, backpack, bedroll, sleeping bag, or other container or package if the officer has probable cause to believe that wildlife or parts thereof taken in violation of these regulations, or the instrumentalities of such illegal taking, are contained therein.
- B. Any Authorized Officer may inspect all wildlife or parts thereof taken, possessed, or transported within the Ceded Territory, and may seize as evidence all wildlife that such officer has probable cause to believe has been taken, possessed, or transported in violation of these regulations, and any object that the officer probable cause to believe has been used as the instrumentality of such illegal taking, possession, or transportation.

- C. For all property seized as evidence, the Authorized Officer shall make an inventory and provide a copy to the person from whom the property was taken. After the final disposition of the case, a hearing shall be held by the court to determine the disposition of all property taken as evidence. Upon satisfactory proof of ownership, property taken as evidence shall be returned to the owner, except for contraband which shall be disposed pursuant to policies of the department and Natural Resource Commission.

## **SECTION XXI. PENALTIES AND FINES.**

- 21.01 Any licenses or permits issued in accordance with these regulations may be suspended or revoked by the Natural Resource Commission.
- 21.02 Any violation of these regulations shall be tried before the Tribal Court heard as provided by the Tribe and under such procedures as are prescribed by the Tribe.
- 21.03 *Civil Infractions*- Except for the provisions of Section 21.04, these Regulations are civil in nature. Violations may be punished by suspension or revocation of the fishing, hunting, trapping license or any permit(s) of the violator, assessment of a fine of not less than \$50.00 and no more than \$1,000.00, assessment of community service hours, forfeitures as set forth in Section 21.05, restitution as set forth in Section 21.06 and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.
- 21.04 *Criminal Sanctions*-It shall be a criminal offense for any person over whom the Tribe may assert criminal jurisdiction to:
  - A. Assault, resist, oppose, impede, intimidate, bribe, and attempt to bribe, or interfere with an enforcement officer engaged in enforcing these Regulations.
  - B. Violate any license or permit suspension or revocation order.
  - C. Violate any court order.
  - D. Failure to report any injury or death resulting from the actions of any person taking or attempting to take any wildlife, game, fish or furbearer. Every possible assistance shall be rendered to the injured person prior to reporting the incident to the nearest law enforcement agency.



- E. Without permission of the owner molest, disturb or appropriate any wild plant, wild fish, wild plant or carcass thereof, which has been lawfully reduced to possession by or otherwise owned by another (Larceny of Natural Resources).
- F. Damage or steal any nets, stands, traps or gear belonging to another hunter, fisher or trapper.
- G. Conspire or agree with another person or persons that they or one or more of them will engage in conduct which constitutes the crime.
- H. Conspire or agree to aid another person or persons in the planning or commission of such crime or of an attempt to commit such crime.
- I. Fail to obey the hand, voice, emergency light, visual or audible siren signal of a Tribal Conservation Officer or other authorized law enforcement officer.
- J. Elude a Conservation Enforcement officer, knowingly flee or attempt to evade a tribal conservation enforcement officer or authorized law enforcement officer following a visible or audible signal to stop. A visible or audible signal under this section may include the use of hands, voice, emergency lights or sirens.
- K. Use unjustified force or violence or threaten the use thereof on a tribal conservation enforcement officer or authorized law enforcement officer for the purpose of interfering or influencing the performance of an official duty.
- L. Fail to consent to any search as authorized in Section 12.05 (search and seizure).
- M. Take any threaten or Endangered Species
- N. Engage in fraud or perjury in procuring a Tribal license
- O. Violation of this Section shall be punished by a fine of not less than \$500.00 or more than \$5,000.00, or by imprisonment for not less than one (1) day or more than 1 year, or performance of community service hours, or by any combination of such fine, imprisonment and community service.
- P. The criminal penalties in this Section shall be in addition to the forfeitures or restitutions assessed.

21.05 *Forfeiture*- Any person convicted of any violation of these regulations may, at the courts discretion, have any materials, seized in accordance with Section 12.04, permanently forfeited in addition any other fines or penalties imposed by the Tribal Court.

21.06 *Restitution*- Any person convicted of any violation of these regulations may, at the court's discretion, be charged the cost of providing equitable restitution to the Tribe for the damage which would be caused by each violation in addition any other fines or penalties imposed by the Tribal Court. A person found liable for an infraction, upon a charge of illegal taking, killing, or possession of a plant, fish, migratory bird, or wildlife creature, shall reimburse the Tribe for each plant, fish, migratory bird, or wildlife creature, according to the following schedule:

SPECIES	FINE
Sturgeon, Grayling, any Endangered or Threatened Species	\$1000
Elk, bear	\$500
Deer, wild turkey	\$250
Beaver, mink, otter, badger, bobcat Muskellunge, Tiger muskellunge	\$100
Any waterfowl Lake Trout, Brown trout, Rainbow trout, brook trout, Largemouth bass, Smallmouth bass, Walleye, Northern pike, Whitefish, Menominee whitefish	\$50
Rabbit, muskrat, squirrel, raccoon Ruffed grouse, woodcock, morning dove, ringneck pheasant, quail, sharptail grouse	\$30
Any fish or game animal not named	\$25

21.07 *Member Responsibility*- It shall be no defense in any criminal or civil prosecution under these regulations pertaining to hunting, fishing, trapping, or gathering, for a Tribal Member to claim a lack of awareness or understanding of law or regulations.

21.08 *Federal Prosecution*- Nothing in these regulations shall be deemed to preclude federal prosecution. Federal prosecution may be pursued in addition to or in lieu of other enforcement procedures provided by these regulations.

21.09 *State Jurisdiction Preempted*- It shall not be a defense to any civil infraction or criminal offense under this chapter that the alleged activity may be lawful under state law.

21.10 *Repeat offenders*- Repeat offenders may be fined up to \$5,000 and/or lose hunting, trapping or fishing privileges for an appropriate, at the discretion of the appropriate Tribal entity.

21.11 *Formal Complaint Process*- Any tribal member may file a formal complaint of unprofessional conduct against any Tribal or State Conservation Officer.. Forms for filing formal complaints may be obtained from the Tribal Natural Resource Department.

### **Certification**

As Natural Resource Commissioner and Natural Resource Secretary, the undersigned certify that this Uniform Conservation Regulations for 1836 Ceded Territory (Off Reservation) was adopted by the Natural Resource Commission of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Natural Resource Commission held on \_\_\_\_\_ at which a quorum was present, by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ opposed, and \_\_\_\_\_ abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
John Keshick III	_____	_____	_____	_____
Debra Browne	_____	_____	_____	_____
Daugherty Johnson III	_____	_____	_____	_____
Phil Harrmon	_____	_____	_____	_____
Vacant	_____	_____	_____	_____

Date: \_\_\_\_\_

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John Keshick, Natural Resource Commissioner

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Debra Browne, Natural Resource Secretary